



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
www.danbury-ct.gov

(203) 797-4525
(203) 797-4586 (FAX)

MINUTES
APRIL 7, 2021

The web based meeting hosted on Zoom was called to order by Chairman Arnold Finaldi at 7:30 PM.

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, Joel Urice, and Arnold Finaldi Jr. Also present was Deputy Planning Director Jennifer Emminger.

Absent were Alternates Kevin Haas and Gary Renz.

Mr. Urice made a motion to accept the March 17, 2021 minutes. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with five ayes.

PUBLIC HEARINGS:

Nejame Plaza LLC – Application for Special Exception/Revised Site Plan Approval to permit Storage of Concrete Aggregates or Manufacture of Concrete & Concrete Products, Storage of Bituminous Product, Storage or Sale of Building Materials, & Storage of Construction Equipment (Nejame Pool Industrial Site) in the IG-80 Zone - 44 Payne Road (N12004) - SE #776.

Chairman Finaldi excused himself and left the meeting as he is abstaining from this application. Vice-Chairman Urice took over as Chairman.

Mrs. Hoffstaetter read the legal notice regarding this application. Attorney Ward Mazzucco said they had been before the Commission last year but had withdrawn the application because they had not filed the required application with the Environmental Impact Commission (EIC). After the withdrawal of the special exception application, they submitted to EIC. The EIC issued approval of a permit to conduct regulated activities in October 2020. He said they have requested that all of the records from the previous public hearing be incorporated into this record. This site is an almost two acre parcel located on Payne Road very close to the Bethel town line. The original site plan approval for a construction storage yard dates back to 1987 with revisions being approved in 2004. Some of the improvements required by this approval were completed and in 2009, another site plan revision was approved. The 2009 approval was for an 11,000 sq.ft. addition and to permit the continued storage of construction equipment and

storage of earth materials as approved in 2004. The 2009 approval expired in 2018 and at that time it was determined that a special exception/revised site plan approval was required to legalize the uses that existed on the property. Attorney Mazzucco asked their project engineer, Ralph Gallagher to take over here to describe the proposed work.

PE Ralph Gallagher said there currently is a 1,000 sq.ft. building on the property that they are proposing to expand by adding a 7,000 sq.ft. addition to it. The building will be used as a mixture of office space, storage/repair of construction equipment, and space for carpentry, woodworking, metal fabrication, and stone cutting. There also will be outdoor areas that are dedicated specifically for the storage of building materials and construction equipment. He said they are proposing to connect to the existing sewer on Payne Road and they will continue to use the private well on the site. They also will continue to use the existing driveway and they are proposing to construct a parking area on the site. Mr. Gallagher said this proposal has much less pavement than what it there now. He said the drainage is installed and this site plan shows seventeen parking spaces on the site. Vice-Chairman Urice said he had visited the site and is concerned that the amount of existing screening is adequate because it has grown tall and you can see right through the lower portion of it. He asked that they take a look at it to see if it can be supplemented so it does screen this site from the surrounding properties.

Attorney Mazzucco then said there are two businesses located on this site. One is the pool business and the other is a construction business. He continued saying the cyclical nature of these businesses require a variety of storage of both materials and vehicles. He said this is an intro to what they want to do and they intend to submit revisions and respond to the staff report. Mrs. Hoffstaetter asked if they will be mixing cement on the site. Attorney Mazzucco said the use of cement is incidental to their business, they do not install cement pools. All of the pools they install use vinyl liners. Mrs. Hoffstaetter then asked if the tankers used to transport pool water are the largest vehicles they use. Attorney Mazzucco said that is correct. Mr. Salvagne said he thought they had been told to remove some of the screening as it was blocking the sight lines. Mr. Gallagher said the trees grew so well, that they had to trim the tops off. Attorney Mazzucco said there is a trade-off between maintaining the screening versus maintaining the sight lines, Vice-Chairman Urice then said there is nothing on the plans showing how the outdoor storage sites will be defined. He said it appears that the outdoor storage is just willy-nilly with no separations between them and no identification or definitions of what is being stored in these areas. Mr. Gallagher said these areas are behind the building and are fenced in, but they have not defined them because their storage needs change with various projects.

Mrs. Emminger then said she wanted to clarify that although the applicant said most of the site work approved in 2004 has been done, this is not correct. There are no permits, and no compliance with the site plan was ever confirmed. She said the sight line is an ongoing issue. We required them to put in screening and the unintended consequence was that it interfered with the abutting property's ability to see down the road. Attorney Mazzucco said that when that previous site plan was approved, they were only operating

the pool business from this site. Now they are also operating their construction business from this site. Mrs. Emminger confirmed that the previous approval was only for the pool business and now there are seven or eight businesses operating on the premises. She said the site plan does not indicate what is being done or stored in the various areas. She added that the only way for the Commission to determine compliance is for these areas to be designated for specific uses. She said during the previous application, the applicant's response to the City comments was "will do", but she never received anything else, and then the application was withdrawn. She said she wants to see a collective response that addresses all of the City comments. The Commission needs to know what is being done inside and outside of the building; it needs to be made clear.

Attorney Mazzucco said they want to legitimize everything that has always been done on this site. He added that his client, Tom Nejame, told him that all of the necessary inspections were done, so he does not know why Mrs. Emminger cannot find any record of them. Vice-Chairman Urice said he remembered that during last year's public hearing, the Commission had asked for an operations plan that would document the various activities that would go on at this site but it was never provided. He asked that it be provided now and said it needs to be detailed to cover everything they intend to do on this site.

Vice-Chairman Urice asked if there was anyone to speak in opposition to this application and there was no one.

Mrs. Emminger said she had nothing else at this time and would be waiting for the revised plans and responses to be submitted.

Mrs. Hoffstaetter made a motion to continue the public hearing until the next meeting. Mr. Chiocchio seconded the motion and it was passed unanimously by roll call vote with four AYES (from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne and Vice-Chairman Urice,)

Chairman Finaldi returned to the meeting at this time.

Global Partners LP/Four Star Realty LLC- Application for Revised Special Exception/Revised Site Plan for Automobile Service Station ("Global Gas Station") in the CG-20 Zone - 108 Newtown Road & 5 Mountainview Terrace (M10029 & M10028) - SE #720.

Chairman Finaldi read the legal notice regarding this application. Attorney John Knuff from Hurwitz, Sagarin, Slossberg & Knuff, LLC, spoke in favor of this application. He said this application is a revision to the special exception/site plan which was granted in 2012 for a convenience store and gas station on this site. He said a revised site plan was

approved in 2014 to reduce the size of the convenience store and split the site work into two phases. The first phase was to construct the gas station, the second phase was to be for the construction of the convenience store, but the convenience store was never built. He explained that they are here tonight because they want to expand the gas station by adding a dual sided diesel dispenser, expand the canopy over the pumps, and eliminate the convenience store entirely. He asked their engineer, Larry Wagner from Alfred Benesch & Company, to explain the work being proposed for this revision.

Mr. Wagner said eliminating the convenience store reduces their trip generation. He referred to the revised site plan saying that the existing station has a total of nine fueling dispensers, five are for both gasoline and diesel and four are solely for dispensing diesel. This plan proposes eliminating the convenience store, adding another diesel dispenser, and extending the canopy by 17 ft. He said other work being proposed includes constructing another fueling lane, moving and enlarging the dumpster, adding landscaping, sidewalks, and curbing. He said the Regulations require ten parking spaces which works out to one space for each fueling dispenser, so they have adequate parking for this revision. He said the City Traffic Engineer is concerned about the snow storage but they already have an easement in place for a 16 ft. wide area dedicated to that purpose. Mrs. Emminger said we would like to see the landscaping beefed up so there is some sound deadening provided for the surrounding properties. Mr. Wagner said it is their intent to submit revised plans which will address staff comments. Mr. Urice asked if this revision is approved, does the approval for a convenience go away. Mrs. Emminger said if this is approved, a revised grant of special exception would be issued which would no longer include a convenience store.

Attorney Knuff said they will respond to the various staff comments and will respond to them at the next meeting. He added that he would be willing to walk the site with the Commission members if any of them would like to do that.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and Mrs. Emminger said she had received a letter from Christine Bojarczyk, who lives at 7 Mountainview Terrace, which is located next door to the subject property. The letter said that the additional truck traffic this change would bring would be detrimental to her and the other residential neighbors. She also said that the trucks exiting this site often cause traffic problems and also that the site is an eyesore as it is not kept clean and the grass is not mowed on a regular basis.

Attorney Knuff said they will address the neighbors concerns regarding cleaning up the site. And the changes proposed to the site should help to eliminate some of the truck traffic problems.

Mrs. Hoffstaetter made a motion to continue the public hearing. Mr. Salvagne seconded the motion and it was passed unanimously by roll call vote with five ayes (from Mr. Chioocchio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

CONTINUATION OF PUBLIC HEARING:

Newtown Road LLC/Maria & Manuel Andre, Manuel Neves Gouveia Marques, & Antonio Mendes Gouveia Marques – Application for Special Exception/Site Plan Approval for Child Day Care Center in the CG-20/RA-8 Zone – 36 Newtown Road, 40 & 42 Newtown Road, Whitney Avenue (K13188, K13190 & K12255, & K12254) – SE 780. **THIS APPLICATION IS TABLED - THERE WILL BE NO ACTION TAKEN OR DISCUSSION ON IT.**

Mr. Urice made a motion to table this matter and continue the public hearing. Mr. Chiochio seconded the motion and it was passed unanimously by roll call vote with five ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

REFERRALS:

8-3a Referral - Petition of Berkley Insurance Company/Encompass Health CT Real Estate LLC to Amend the Master Plan of The Reserve. (Amend Phase 9B, Non-Residential Uses Not Serving the Immediate Needs of the Residential Development, from 100,000 SF of commercial use to 100,000 SF as a Physical Medical Facility-In-Patient Use.) **THIS PETITION HAS BEEN WITHDRAWN.**

8-3a Referral - Petition of Newtown Road LLC/Maria & Manuel Andre, Manuel Marques, & Antonio Marques, Whitney Avenue (K12254) for Change of Zone from RA-8 to CG-20. **THIS PETITION HAS BEEN WITHDRAWN.**

Chairman Finaldi said these two petitions have been withdrawn so there is no need for any action on either of them.

8-3a Referral - Petition of SC Ridge Owner LLC to Amend Sections 4.H.2.b.(2)(a) & 4.H.2.b.(3)(b) of the Zoning Regulations. Public hearing scheduled for May 11, 2021. **THIS DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19. This will be discussed at a future meeting.**

8-3a Referral - Petition of SC Ridge Owner LLC to Amend the Master Plan for The Summit (approved June 23, 2020). Public hearing scheduled for May 11, 2021. **THIS DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19. This will be discussed at a future meeting.**

Chairman Finaldi said both of these petitions would be discussed and they would make their recommendation at the April 21, 2021 meeting.

Chairman Finaldi said there was nothing under New Business or Correspondence. He asked if anyone had anything to discuss under Other Matters and there was nothing. He said that under For Reference Only, there was one public hearing scheduled for April 21, 2021 and one floodplain permit.

At 8:39 PM, Mr. Salvagne made a motion to adjourn. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote.

Respectfully submitted,

JoAnne V. Read
Planning Assistant